

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
Plaintiff,

v.  
MICHAEL ALAN CASSINI,  
Defendant.

No. CR05-0166P

ORDER ON DEFENDANT'S  
MOTION FOR BOND PENDING  
APPEAL

This matter comes before the Court on Defendant Michael Alan Cassini's Motion for Bond Pending Appeal (Dkt. No. 81). Having reviewed Defendant's Motion and Memorandum in Support, as well as the Government's Response, the Court DENIES Defendant's Motion for Bond Pending Appeal.

Under 18 U.S.C. §3143(b), the default is that a Defendant be detained pending appeal unless the Court can find:

(A) by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community if released under section 3142(b) or (c) of this title; and

(B) that the appeal is not for the purpose of delay and raises a substantial question of law or fact likely to result in--

(i) reversal,

(ii) an order for a new trial,

(iii) a sentence that does not include a term of imprisonment, or

(iv) a reduced sentence to a term of imprisonment less than the total of the time already served plus the expected duration of the appeal process.

18 U.S.C.A. § 3143(b)

The Court agrees with the Government that it cannot make findings in favor of Mr. Cassini on either prong of this test. Based on the facts of this case and because Mr. Cassini pled guilty to crimes of fraud and is facing substantial prison time, the Court finds that Mr. Cassini possesses both the capacity and motivation to flee the district. Additionally, the Court does not find that Mr. Cassini's appeal raises substantial issues of fact likely to alter the sentence he has already received from this Court. Because the Court cannot make any of the statutorily requisite findings to grant bond in this case, Defendant's motion is hereby DENIED.

The Clerk is directed to send copies of this order to all counsel of record.

Dated: May 17, 2006

Marsha J. Pechman  
Marsha J. Pechman  
United States District Judge